

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PHILLIP D. RUPPERT,

Plaintiff,

v.

**ALB REAL ESTATE MANAGEMENT
and DAVID BINET,**

Defendants.

No. 11-1073-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

Now before the Court is plaintiff's second amended motion for default judgment (Doc. 17). Ruppert moves for default judgment arguing that he is entitled to default judgment as defendants have been properly served; have not answered the complaint and that he has served the required notice on defendants. Ruppert also contends that he is entitled to damages totaling \$100,000 and asks the Court to determine the damages instead of a jury. The Court **GRANTS in part** the second amended motion for default judgment.

The defendants were served on February 10, 2012 and a responsive pleading was due on February 27, 2012 (Docs. 4 & 5). As of this date, defendants have not answered or filed a responsive pleading. On March 8, 2012, plaintiff moved for an entry of default (Doc. 7). The next day, the Clerk of the Court issued an entry of

default (Doc. 8). On June 5, 2012, plaintiff filed a second amended motion for default judgment (Doc. 17). Thus, the Court **GRANTS in part** the motion for default judgment and enters judgment in favor of plaintiff Phillip D. Ruppert against defendants ALB Real Estate Management and David Binet. Further, the Court **SETS** this matter for hearing on damages on June 28, 2012 at 3:00 p.m.

IT IS SO ORDERED.

Signed this 6th day of June, 2012.

**Chief Judge
United States District Court**